

PLAN REVIEW – A summary of comments made by DNR staff and by those external to the agency.

Overview

This report summarizes some of the issues and concerns related to plan review expressed both by DNR staff and by those outside of the agency - 'externals'. It is based on three small group discussions: one with regional staff new to plan review, one with veteran staff, and one with consultants and landfill managers. Each discussion lasted for about one and a half hours.

The results of small group discussions must be treated with some caution. On the one hand they allow people to express themselves in their own words and to raise any concern they may have. However, they are not surveys based on random sampling and the results cannot be extrapolated to all staff or all those outside of the agency. The use of such information is more for insight into a situation and how people are thinking about the situation than for statistical projection.

In short, it cannot be claimed that everyone shares the concerns contained in this report.

The report contains both summaries and, in some cases, direct quotes from the participants. These quotes typify the comments made.

Communication

1. Decentralizing staff has created communication problems. A central location facilitates communication through staff meetings and through the more informal communication that happens in an office.

There is a concern that this communication is lost through decentralization.

"We're out there in the region. We don't have that lean over the side of the cubicle and say, 'Hey, ..., I've got a question. He's been in the program and [] been in the program, and this is how we address that. You lose that."

2. To some extent staff are trying to recreate this environment electronically through e-mail, faxes, and phone calls. They note that their e-mail can become evidence in court cases and so must be somewhat guarded in what they say.

"None of this would be possible without that electronic infrastructure. Between the phone, faxing, the e-mail. We do a lot of that back and forth. I think the e-mail is most powerful."

Some, however, feel inundated by e-mail.

"The problem is you get so many e-mails. You get flooded with e-mails."

E-mail is also a public document that could be used against the program.

"You have to be careful what you say. It could come back and haunt you. It can also cover you – you've got documentation."

Consistency

1. Staff feel that a natural consequence of decentralization is the loss of program consistency. Both new and existing staff are concerned about the maintenance of such consistency and feel that it will likely decline with a decentralized structure.

"There's going to be a problem with consistency. With us out in the region, there will be instances where consistency is lost. [...] No matter how hard we try, the longer we're out in the regions, there are going to be times when we may not be consistent like they were in central office when everyone was together and functioning off that same page."

New staff consult with those in the central office to make sure that they are acting consistently.

"I've already had several instances where I want to make sure I'm not breaking new ground. I'm being consistent with the way everyone in the central office has done things in the past."

New staff recognize that their lack of experience means that their actions may not be consistent with prior practice.

"I don't want to tell a consultant or landfill operator this is what you can do and then find out I'm wrong. This effort to be consistent, that I'm most aware of, and see that my lack of experience leaves me the most vulnerable."

Those external to the agency are very concerned about the youth and inexperience of DNR plan reviewers and their reluctance to make precedent setting decisions.

"It seems that the younger people are real hesitant to say anything. A co-worker asked me to mention that he can't talk to any peer here at DNR anymore. He's a veteran. He's always getting younger staff who don't know the answer or who don't commit and it's taking forever to get to the person who can make those decisions or give those opinions."

New staff were very positive about the support they received from the central office.

"Getting great support from [] in Madison. On everything I've just been getting excellent support. I can call. We discuss issues at great length. We go over drafts that I write. [] has been excellent in helping me."

2. It is feared that a lack of consistency may give some firms a competitive advantage over others.

I don't think they appreciate how important consistency is to our customers. We regulate competition. If we aren't consistent we are giving someone else a competitive edge. Don't think they don't know about it the minute it happens.

Consistency is also a concern for those outside of the agency.

"Consistency is a big issue for us. We compete in the market place and if a competitor is allowed to do something less stringent than what we're required to do, it's not an even playing field. We're looking for consistency. Applying the same regulations the same way. If you require something in one area, make sure that it's maintained throughout. The regulations need to be applied consistently. If each region is independent, there needs to be some mechanism that makes sure they do maintain consistency throughout the state."

"Consistency is a hot topic. You can't take a similar situation and similar conditions and make any assumptions at all."

3. There is a concern that a decentralized staff will be more subject to local political pressures and will have less autonomy in making decisions.
4. There is a lack of clarity as to what constitutes consistency and how it is to be achieved. Some regard existing guidance as inadequate.

My concern is that the agency hasn't defined what they mean by consistency.

5. Consistency will also vary according to the expertise of the staff and the supervision in the regions. There is a concern that, in some regions, new plan review staff will be supervised by those with scant experience in this area. In the worst case it could be possible to have an inexperienced regional team dealing with a precedent setting case.

"As far as plan review [] was not involved at all."

"There's just a few of the supervisors that have the plan review experience. That's not the only thing they do."

"I don't really seek out my supervisor for plan review. I go to people in Madison for that review. I do run everything by my supervisor. [...] I don't really seek out my supervisor for technical review and I do run everything by them."

6. There is a concern that program expertise will atrophy.

"You're starting to get the blind leading the blind. They're following a mentor who may not have done it very well in the 1st place. You're going to create this mediocracy."

Related to this is a concern that consultants will know the rules better than the new staff.

"They know we're new. Consultants have been dealing with a specific landfill for years. They know who the new kids on the block are. We're not fooling anyone."

"They probably know the code better than we do."

Those who are outside of the DNR (i.e., the 'externals') are also very concerned about the expertise of the staff.

"The other topic of concern is new staff. It seems like we're educating them. Which is fine but it takes more time."

7. Some staff feel more isolated from one another now that the program has been decentralized. Reorganization has disrupted informal communication channels.

"It's isolating. You're sitting in your little cube, on the phone, on the computer."

"Communication problems are a big part of this whole inconsistency thing. There is no communication. Used to be we'd have staff meetings where the technical people would get together and somebody would present something and we would all say 'oh, that's what you're doing.'"

"[...] seems to be an island. There's no quick way to get anywhere. Luckily there's voice mail and the phones."

8. Some also feel that a centralized staff made it easier to manage workload and to assign projects. This flexibility in staffing and variation in assignments may be lost.
9. Decentralization may, however, be making some landfill operators and members of the local community happy. Regional staff report that some value their presence in the community.

"I know a lot of the landfill operators like having the review staff out in the region. I hear it from []. They like that."

"The residents out there really like having us close to them. If they have a complaint about odor or whatever, we can dash on out there and see what their complaint is all about, verify it. I think they are somewhat surprised when you say 'I'll be right out there'."

This view is supported by those external to the agency. There is an opinion that those in the region are easier to work with and that they are more likely to apply common sense.

"The fact is, if we can work with our regional people, we will every single time because it's a heck of a lot easier and it's just more time effective to deal with those things. They just run out and it's no big deal, you usually get 24 hour response from those folks."

Decentralization means that it's easier for staff to visit the sites they regulate and to visit with those they regulate.

"A couple of the firms I work with are in []. They can come over to the office or I can run over there. And also the sites. It's nice to be in the region because the sites are relatively close. We can meet at the site in an hour or so. They can show me what's going on and what they want to do so they like it."

"I can stop by a landfill and stop in and talk to the person. There's a face with a name and a point of contact."

10. Decentralization allows program staff to interact with new people and new programs.

What you gain from being physically located in the region is more interaction with folks you don't encounter in the Central Office, like wardens, fish managers and wildlife people.

11. Some staff noted that even a centralized structure did not achieve perfect consistency. Decisions could vary according to the personality of the reviewer and the extent to which they adhered to program guidelines.

"It's all a personal thing. If you're a real stickler with the code you're going to make them do everything where another person might say 'it's close enough'. I saw that a lot in the central office."

TRAINING

1. New staff feel a need for training.
2. Veteran staff feel that training alone will not be a substitute for a centralized staff which includes senior, experienced members.

The decision has been made that training is the way to achieve consistency. I strongly disagree with that. I think the only way to achieve consistency is through centralization and the way of doing things.

3. Some also feel that the agency does not have routine procedures that can be uniformly communicated through periodic training sessions.

"That's the problem with training. We haven't established an institutional structure, processes, that we agree on, that we can explain and teach. Until the system is fixed, training is just a band aid."

4. Some think that "training" was accomplished through monthly staff meetings during which different cases were discussed and resolved.
5. Some new staff think it might be useful to return to the central office periodically to discuss some matters in greater detail.

"It would be nice, once you get down to specifics, and things you've seen, and actually ask them."

"I wish, after two or three months, that you could go back and work with them again, sit down with these people and go over some more, get a little more specific. Really hone it down."

Streamlining

Staff made a number of comments about the need for further streamlining and for the revision of a system that evolved in the 1970's. They also noted, however, that decentralization may mean that approvals and decisions may need to be routed around regions for review. This would actually lengthen the review process and reduce efficiency.

Who signs off on a document and what the routing process is may also be an issue for streamlining and efficiency. Newer staff may not know who signs off or what the approval process is.

"When you mention sign offs, I really don't know who signs off on the documents. I guess I would and my direct supervisor."

"When we make a feasibility determination, I'm not sure who's supposed to sign it."

There may not be many opportunities to realize additional efficiencies. It is also the case that both new and old staff are concerned that

streamlining should not come at a cost to the environment or the public.

"I don't think we should be rushing these decisions."

"I don't know where we're going to be able to streamline a lot more than we have already."

"We're more concerned about long-term effects. That's our job."

Those who are external to the DNR are extremely concerned about the time it takes to get a decision.

"Review time is a major concern with us. We haven't been overly satisfied with the time it takes for the permitting process. There are regulatory and statutory review times that don't get met. I would say the majority of that seems to be focused on the siting process. The plan modifications vary by reviewer."

"There are major delays in the review process."

Some "externals" think that it might be more efficient to hire contractors to do some of the work currently performed by agency staff.

"The suggestion is that if you don't have the experience or the personnel to do that, does it make economic and logistical sense to farm this out to a consulting firm. They've been doing it all the time. They do it for their careers. They know the answers. They know where the exceptions are in the codes. You get a rapid turnaround and people get satisfied and they can move forward."

Files and Staff Support

1. There is a concern that plan review lacks support staff.

"Another aspect that we've eroded is our support staff. There are 100 ways that having an adequate support staff helps in overall efficiency. We've eroded that."

2. The lack of such support staff means the plan review staff may get bogged down in clerical activities.

"That is the problem when you have to keep address lists and mailing lists and just mundane day to day things. Having someone who understands Word better than you do because they use it all the time."

3. The filing system for plans was also a concern for staff.

"The filing system is an enormous problem and getting worse."

"I think the most dangerous disservice to customers is the fact that files are so dispersed. It's scary. The decision makers are in []. The file resides officially there. There's probably some stuff in []. How are you being helpful by saying you'll go to three different offices and possibly four."

4. The completeness of the files in the various regions is also a concern.

"If you have no file it's two hours to go to [] to find out they don't have the file and you have to go to Madison. It's kind of a paper chase at times. I'm sure we're going to catch up on this."

Reorganization

Externals commented that the reorganization of the agency meant that staff familiar with their situation were assigned to other projects or positions. They are concerned about this form of internal personnel turnover.

"When I call our regional contact that contact is changed, almost it seems every quarter, there's a different person. I'm not really in charge anymore, now so and so is. Six months later it's 'I'm back in this role again.' You lose continuity. When you have people who are intimately familiar with your operation and your facility, you call them up and say 'this is what we're doing'. They already know the issue rather than have somebody come out and take a look at it, do all the research, go back to the files, and figure out what the previous person was doing. With Solid Waste in particular there seems to have been a lot of rolling of staff."

There is also now a problem with what might be called the team approach to waste management. It is no longer clear who has responsibility for an issue.

"It's created this morale problem, this uncertainty problem, not having this understanding of the links and the communication between people. They found it very difficult to even find out who the responsible people are. On reviews that involve multi-disciplinary inputs, like the water or wetland people, the organization has created difficulties. Not only can't they find the right people to talk to, but nobody is even willing to claim responsibility for the issue. ... Things are getting lost in the organization, in some people's minds.

"Some think that things are starting to work a little better. The technical people, the engineers and the reviewers, were located in the local offices and they liked having the reviewers closer to the sites and closer to the projects and found it easier to get quick responses with people closer to the action rather than having to come to Madison to get answers to the questions. Where the technical staff have been in the field, the initial reaction seems to be positive as far as access and timeliness."

"It's hard to figure out who's responsible for doing certain types of things, especially where you've got cross-program issues to deal with."